



Kentucky Law Journal

Volume 53 | Issue 2

Article 4

1964

Juvenile Delinquency in Sweden

Hans Grobe

Follow this and additional works at: <https://uknowledge.uky.edu/klj>



Part of the [Comparative and Foreign Law Commons](#), and the [Juvenile Law Commons](#)

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Grobe, Hans (1964) "Juvenile Delinquency in Sweden," *Kentucky Law Journal*: Vol. 53 : Iss. 2 , Article 4.

Available at: <https://uknowledge.uky.edu/klj/vol53/iss2/4>

This Article is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

Juvenile Delinquency in Sweden

By HANS GROBE

In Sweden an intense interest of the public is concentrated on juvenile delinquency. This is primarily due to the fact that juvenile delinquency has increased almost without interruption during the past few years. Youthful offenders keep the child welfare boards and the courts busy and cause much disturbance to the general public.

A statistical evaluation can be made on the basis of police statistics and of court statistics. But, as is well known, these statistics do not reflect the numerous offenses remaining undetected. A good police system may indicate a much higher number of juvenile delinquents than a bad one. Nevertheless there can be no doubt about the rise of the juvenile criminal rate when one examines the court statistics from 1958 to 1961: In 1958 606, in 1959 1056 and in 1961 2102 offenders in the age group 15-17 years were sentenced by a court of first instance. The corresponding numbers in the age group 18-21 years were 2923, 3341 and 3897, respectively. Besides, it is certain that delinquency is spreading increasingly to lower age groups due to the earlier commencement of puberty.

The increase in the number of young offenders is based among other things on the continued migration from the rural areas to the cities. Cities can be called hotbeds for the development of juvenile delinquency. As early as 1950 three-quarters of the inmates of the Swedish youth prisons were from urban areas and nearly half of this number from the bigger cities. Furthermore, the upward trend in juvenile delinquency depends on the growing number of young people. The number of males in the age group 15-21 years is about 50% larger today than in 1955. Finally, the incisive reform of legislation concerning wines and spirits which went into effect in 1955, and which led to a greatly increased consumption of alcohol by young people, is said to have contributed to the increase of juvenile delinquency. Many of the youthful offenders, it develops, are also excessive drinkers.

In the following pages I shall give a survey of the competence of the child welfare boards and the courts and of the measures which may be taken against juvenile offenders.

According to the new child welfare act of April 29, 1960, the Act for the Care of Children and Young People by Society, every local community must have a child welfare board. The board belongs to the local self-government and is responsible for child welfare in its district.

The members of the board are elected by the local council for four-year terms. No special qualifications are required by law. Normally certain professions such as doctors, teachers and pastors are represented. There is no absolute requirement that a lawyer belong to the board, but the law so recommends and provides otherwise for the compensation for employment of a lawyer. In smaller communities the board consists of five members and in larger ones of more. The chairman of the board has wide powers to make interim decisions.

The child welfare board is competent for all offenders under 15 years. Children under the age of 15 do not come under the jurisdiction of the courts as they have not reached the age of criminal responsibility.

Offenders in the age group 15-18 years are referred to the child welfare board for action by order of the public prosecutor or by order of the court. An order by the public prosecutor often takes place in connection with suspension of prosecution. Suspension of prosecution is granted if the young offender obviously needs public assistance rather than punishment. A court order, as a rule, is given in connection with suspension of sentence. There are two forms of suspension of sentence: Either the penalty is imposed together with an order that the execution of the sentence shall be suspended, or the accused is found guilty but the court orders suspension of the imposition of the sentence. The main advantage of the latter form is the court's freedom to cancel the suspension in light of new circumstances.

The jurisdiction of the child welfare board extends to offenders under 21 years if they are "in need of special correctional measures on the part of society because of a criminal act." Offenders of this age group, however, may be committed to the care of the board only by judicial order because they gen-

erally come under the jurisdiction of the courts. The order is taken if the judge feels that the nature of the offense or the circumstances of the case are such that the minor should not be treated as a criminal.

As the dispositions of the child welfare board are primarily of a preventive nature, the board has not only jurisdiction over juveniles having committed a criminal offense under the penal laws, but also over minors whose tendencies indicate that they may commit offenses in the future. In addition, as already mentioned, the board must take all proper measures to create good conditions in which children and young people may grow up. This preventive activity of the board perhaps is more important in counteracting juvenile delinquency than its individual measures for young persons who have already committed a criminal act. Apart from the preventive activity, the jurisdiction of the child welfare boards and the courts in Sweden, similarly in all Scandinavia, corresponds to that of the juvenile division of the family courts and the normal criminal courts in Japan.

There are no juvenile courts in Sweden. The young offender comes under the jurisdiction of the regular court if need be. Like all Swedish courts of first instance, the criminal court consists of one judge and seven to nine laymen. These laymen are members of the general public who are appointed for some years on the basis of their social conscience and moral spirit. They have a right of co-determination only in fixing the duration of imprisonment.

If the conditions for intervention exist, the child welfare board may take one or more of the following steps: (a.) take aid measures such as giving advice and support; (b.) administer a serious exhortation to the parents; (c.) administer a formal warning to the youthful offender; (d.) prescribe measures to supplement upbringing in the home, for instance afternoon homes or settlement houses; (e.) order regulations concerning the conduct, occupation, employment and residence and the treatment of disease or deformity; (f.) arrange for supervision either as a single sanction or in connection with one of the described measures.

Only if the foregoing measures are considered to be ineffective or have been taken without success shall the offender be

removed from his former environment and be placed under public care. There are several possibilities: either the offender is placed in a private home, a children's home, a boarding school, or some other similar suitable arrangements made. The offender may also be committed to a youth welfare school. A child under the age of ten is never committed to a youth welfare school and a child under the age of thirteen only exceptionally.

In Sweden 25 youth welfare schools exist with a total capacity of approximately 1,000 inmates. The inmates are called pupils and are assigned to the schools on the basis of sex, age, intelligence and psychological type. The 17 boys' schools have between 20 and 80 pupils and the 9 girls' schools between 14 and 70 each. For pupils still in the obligatory school age special youth welfare schools were established, the so-called school homes, in which the standard grade school program is given. A few schools are appointed to the intellectually gifted, others for the backward. Mentally deficient children are not committed to youth welfare schools but are referred to special institutions connected with a special school for the mentally retarded. One of the boys' and one of the girls' schools have been geared for the most talented pupils who are taught in a nearby public high school. Pupils beyond school age are taught in vocational schools. Boys are offered training in several occupations such as agriculture, forestry, gardening, metal work, repair of autocars or agricultural machinery, furniture making, carpentry, cooking, etc. Girls usually are not trained for just one occupation but are given courses in general housework, care of children, agricultural work and gardening.

An indispensable prerequisite for success of the treatment in a youth welfare school is the differentiation of the clientele not only at the local level but also within a school. Differentiation enables personnel to protect the passives from the actives and aggressives and to bring together those with similar interests and potentialities for the purpose of hindering conflicts between the inmates and carrying out more easily the necessary individual treatment. According to this perception the pupils are placed in small units of, at most, 12 each.

The therapeutic measures used, the training of the personnel and the equipment of the Swedish youth welfare schools have

reached a very high level. These factors indicate the deep interest of the general public in combatting juvenile delinquency. Social policy is considered to be one of the most important functions of the state. No money is spared to accomplish that function.

The average period spent by the inmates in the youth welfare schools in the age group 15-18 years is fourteen months and in the age group 18-21 years, one year. In the individual case the period depends not only on the juvenile's conduct but also on schooling or vocational training, age, military service, etc. As soon as possible the inmate is placed in the "care outside the school" which is not less significant than the "care within school."

Many possible arrangements exist for care outside the school. For after-treatment about ten boarding schools have been specially established. They are not only used by pupils discharged from youth welfare schools but by socially adjusted homeless young people from the district as well. They are run by a married couple to create the atmosphere of a normal family life. Another possibility is to send the young person to a camp for road or forest work. Quite a new experiment is "Operation Wilderness." Little groups under the guidance of a "housefather" and a "housemother" are living together under primitive conditions and fulfilling special tasks, for instance, cleaning off a nature reservation, building a fence for reindeer or repairing the border markings between Sweden and Norway.

The arrangement most frequently made is the commitment of the juvenile to a family in the neighborhood of the youth welfare school. It is called supervised family care. The commitment may be combined with continued treatment, schooling or vocational training in the youth welfare school. The school helps and advises the family, which is paid for taking up the juvenile. In general, supervision by suitable parole officers is ordered. The young person shall be released as soon as possible.

In the case of an offender over 14 years the youth welfare board cannot take a measure if the court itself wants to take action. The determination of the court may take one of several forms: The imposition of a fine, a sentence to simple imprisonment or to imprisonment at labor, or exceptionally to preventive detention. Offenders in the age group 18-21 years may also be sentenced to youth prison.

A fine is imposed as a fixed sum of money or as a number of day-fines. Unpaid fines may be converted to imprisonment. The minimum sentence to simple imprisonment is one month, the maximum is two years except in the case of a collective sentence for several offenses which may last for four years. The corresponding periods for imprisonment at labor are two months, ten years, and twelve years, respectively. Sentences for juveniles are never for life. The difference in execution between simple imprisonment and imprisonment at labor in practice is very little. Offenders under the age of 18 years are seldom condemned to imprisonment. If possible they are referred to the youth welfare board.

As already said, offenders between 18 and 21 years may be sentenced to youth prison. An extension of the age group to 23 or 25 years is taken into consideration. The sentence is regarded formally as punishment. In practice, however, it means a therapeutic sanction like the commitment to a youth welfare school. In general, juvenile offenders are sentenced to youth prison if they are very active and advanced in their criminal tendencies, and placed in a youth welfare school if they are of a more passive type and the criminal element is less dominant. Yet, a sentence to youth prison is only possible when the offense shows a certain degree of severity without being a capital crime. The statistics show a remarkable increase of sentences to youth prison: The number rose for various reasons from 176 in 1955 to 397 in 1960 and is still rising. Girls are very rarely placed in a youth prison, however.

A sentence to youth prison is of undetermined duration. The time is fixed according to the conduct of the young person during the course of the treatment. Generally the duration of treatment is a minimum of ten months if parole is granted, and normally one year. When the offender has reached the age of 21 he shall be released in any case. Because of the undetermined duration and the minimum period of ten months—which is often more than an adult would have been sentenced to for the same offense—the sentence to youth prison is disliked and frequently thought to be unjust by young offenders. Their resocialization easily is badly affected by this mental attitude. But a change concerning the undetermined duration is not planned.

Sweden has nine differentiated youth prisons with nearly 400 male inmates. The girls are placed in a special section of the only Swedish women's prison. The main aims of the treatment are character-building and vocational education. Furthermore, an important part of the treatment is the stimulation of recreational interests. During the time of recreation many contacts with the outside world and with socially adjusted young people are arranged in order to prepare for resocialization. In general, the treatment in a youth prison is carried out along nearly the same lines as in a youth welfare school.

When summing up the described measures in counteracting juvenile delinquency I dare say that there will be only very few countries giving such a differentiated treatment to neglected and delinquent juveniles as Sweden. In this Scandinavian country the "diagnosis" is really followed by a uniform and modern "therapy." Swedish society knows its responsibility.